

BEFORE THE OFFICE OF CAMPAIGN FINANCE  
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS  
FRANK D. REEVES MUNICIPAL BUILDING  
2000-14<sup>th</sup> STREET, N.W., SUITE 420  
WASHINGTON, D.C. 20009  
(202) 671-0550

|                                      |   |                     |
|--------------------------------------|---|---------------------|
| IN THE MATTER OF                     | ) | DATE: May 24, 2005  |
|                                      | ) |                     |
| Darlene Averick                      | ) | DOCKET NO.: 04F-170 |
| Member (Former)                      | ) |                     |
| Commission on Violence Against Women | ) |                     |
| (Commission)                         | ) |                     |
| 2319 – 1 <sup>st</sup> Street, NW    | ) |                     |
| Washington, DC 20001                 | ) |                     |

**ORDER**

This matter came before the Office of Campaign Finance (OCF) based upon respondent's motion for reconsideration (Motion) of the Order of the Director issued on January 14, 2005. On January 14, 2005, the Director entered an Order in this matter which imposed a fine of \$2,000.00 for failure to timely file a Financial Disclosure Statement on or before June 21, 2004 for calendar year 2003. On May 12, 2005, respondent filed the Motion.

**Summary of Evidence**

In the Motion, respondent stated that her address of record changed to 2319 – 1<sup>st</sup> Street, NW, Washington, D.C. 20001 in September 2003, and that she did not receive notices to file from OCF. Respondent further stated that in January 2005, an Order of the Director was forwarded to her new address. On February 1, 2005, the respondent contacted the Hearing Officer to advise of receipt of the Director's Order. Respondent was advised to file online and to file a motion for reconsideration of this matter. Respondent filed the required Financial Disclosure Statement online on February 3, 2005; however, the receipt of respondent's Motion could not be confirmed by OCF. Respondent filed a replacement Motion on May 12, 2005. Respondent stated that she no longer serves as a member of the Commission.

**Findings of Fact**

1. Respondent filed the required Financial Disclosure Statement on February 3, 2005.
2. Respondent provided a credible explanation for the filing delinquency because OCF's address of record, obtained from the Office of Boards and Commissions, was incorrect.

**IN THE MATTER OF: Darlene Averick**

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3. Respondent is currently in compliance with the statute.

**Conclusions of Law**

1. Pursuant to the Order, In the Matter of: Darlene Averick, a fine in the amount of \$2,000.00 was imposed upon respondent herein.
2. In accordance with 3DCMR §3711.5 (1999), respondent appealed this matter.
3. Respondent violated D.C. Official Code § 1-1106.02.
4. For good cause shown, pursuant to 3DCMR §3711.6, the Director of Campaign Finance may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for the filing delinquency, in that OCF's address of record was incorrect, constitutes good cause to rescind the fine.

**Recommendation**

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

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**Date**

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**Jean Scott Diggs  
Hearing Officer**

**Concurrence**

In view of the foregoing, I hereby concur with the Recommendation.

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**Date**

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**Kathy S. Williams  
General Counsel**

**ORDER OF THE DIRECTOR**

**IT IS ORDERED** that the fine in this matter be hereby suspended.

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**Date**

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**Cecily E. Collier-Montgomery**  
**Director**

**SERVICE OF ORDER**

This is to certify that I have served a true copy of the foregoing Order, by regular mail, on respondent on May 24, 2005.

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cc: Ronald R. Collins, Director  
Office of Boards and Commissions  
441 – 4<sup>th</sup> Street, NW  
Suite 530-S  
Washington, DC 20001

Shelly Ford, HR Advisor  
Office of Boards and Commissions  
441 – 4<sup>th</sup> Street, NW  
Suite 530-S  
Washington, DC 20001

**NOTICE**

Pursuant to 3DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16<sup>th</sup> day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14<sup>th</sup> Street, N.W., Washington, D.C. 20009.